



Office of General Counsel
University of Cincinnati
PO Box 210623
Cincinnati OH 45221-0623
650 University Pavilion
Phone (513) 556-3483
Fax (513) 556-3232

December 10, 2004

Jeff S. Jordan
Supervisory Attorney
Complaints Examination & Legal Administration
Federal Election Commission
999 E. Street, N.W.
Washington, D.C. 20463

RECEIVED
FEDERAL ELECTION
COMMISSION
OFFICE OF GENERAL
COUNSEL

2004 DEC 14 A 11:48

Re: MUR 5550

Dear Mr. Jordan:

On November 16, 2004, the Federal Election Commission ("FEC") received an amendment to a complaint from David Hardy, who apparently is alleging that the University of Cincinnati may have violated the Federal Election Campaign Act of 1971 ("Campaign Act"). The University received notice of the complaint from the FEC on November 29, 2004. Enclosed is the University's timely response to the complaint filed against it.¹

I. Complainant's Allegations

The Complainant does not make any specific claims as to which sections of the Campaign Act that the University may have violated. Indeed, he simply provides a quote from a local newspaper that Michael Moore, the subject of his complaint, appeared on campus. Nevertheless, it appears the Complainant is suggesting that a programming event sponsored by various University student organizations, wherein Mr. Moore was paid by student allocated fees for his services, was an attempt to influence a federal election.

Should the reading of the complaint be correct, the applicable section of the Campaign Act is 2 U.S.C. 441b(a), which provides that "it is unlawful . . . for any corporation whatever . . . to make a contribution or expenditure in connection with any election" for federal office. "Contribution or expenditure" is defined as a contribution or expenditure pursuant to 2 U.S.C. 431 and "any direct or indirect payment, distribution, loan, advance, deposit, or gift of money, or any services, or anything of value to any candidate, campaign committee, or political party or organization, in connection with any election . . ." 2 U.S.C. 441b(b)(2).

The term contribution includes "any gift, subscription, loan, advance, or deposit of money, or anything of value made by any person for the purpose of influencing any election for Federal office (2 U.S.C. 431(8)(A)(i)); while the term "expenditure" includes "any purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value,

¹ Attached is a Statement of Designation of Counsel signed by President Nancy Zimpher.

Federal Election Commission

Re: MUR 5550

Page 2

made by any person for the purpose of influencing any election for Federal office.” 2 U.S.C. 431(9)(A)(i).

II. Programming Event for Michael Moore

With respect to the matter before the FEC, Greater Talent Network (“GTN”), the lecture agent for Michael Moore, contacted the University’s student run Programs & Activities Council inquiring as to its interest in having Mr. Moore speak on campus. GTN indicated that Mr. Moore would speak at a fee lower than his customary rate. The Programs & Activities Council and GTN agreed upon an \$8,000 speaking fee and an October 27, 2004 date. Various organized student groups agreed to co-sponsor the event and to pool the funds within their respective budgets to help pay for the event. The sponsoring student groups included the Programs & Activities Council, the Racial Awareness Program; the Undergraduate Funding Board; and Latinos En Accion. (Exhibit 1).

As with most student organizations, the funds within the budgets of the four sponsoring student groups are derived from the student general fee imposed on students that is used to provide non-instructional services to students. The fees are in addition to charges for tuition and room and board. While the general fee is mandatory, it is students, not the University, that determine how the funds are to be used and allocated.

III. Student Groups, not University, Paid for the Programming Event

While vague and difficult to decipher, it is our understanding that the Complainant is alleging that payment by the student groups to Michael Moore constituted an attempt by a corporation to influence a federal election.² We respectfully disagree. Any decision to select Michael Moore as a speaker for the programming event and to pay his lecture agent for his services was a decision made not by the University or any of its officials, but rather by its student groups.

The University of Cincinnati is a public educational institution exempt from taxation under state and federal law. As a tax-exempt state instrumentality, it is prohibited from participating or intervening in any political campaign on behalf of or in opposition to any candidate for public office.

Although the University of Cincinnati is not a 501(c)(3) organization, educational institutions that fall under this Section of the tax code do not engage in prohibited political

² Again, due to the in artfully worded Complaint, we are of the understanding that Complainant is not alleging that any direct or indirect payment, distribution, gift of money, or anything of value was made to any candidate, campaign committee, or political party or organization, in connection with any election. Even if such an assertion was part of the Complaint, Mr. Moore is not, nor, to the University’s knowledge, is he associated with a candidate, campaign committee, or political party or organization.

25044142973

Federal Election Commission

Re: MUR 5550

Page 3

advocacy under IRS rules merely because their students take part in such activities. “[I]n order to constitute participation or intervention in a political campaign, the political activity must be that of the University itself, and not the individual activity of its faculty, staff, or students.” Judith E. Kindell and John Francis Reilly, “Election Year Issues” in *Exempt Organizations Continuing Professional Educational Education (CPE) Technical Instruction Program for Fiscal Year 2002* (October 2001) 344, available at www.irs.gov. As noted in Revenue Ruling 72-515 of the Internal Revenue Service and subsequently cited with approval by the IRS in its “Election Year Issues” publication, “the actions of students generally are not attributed to an educational institution unless they are undertaken at the direction of and with authorization from a school official.” (Exhibit 2).

Using the above IRS ruling and publication as guidance for this matter, the University neither directed nor authorized the UFB to allocate funds to the student group for Mr. Moore’s visit nor did it direct or authorize the student groups to seek such funding. Also, such activity was advertised and held in a manner which made clear that that it was being carried on by and in the name of the student group and not the University. (Exhibit 3).

In addition, the University, as for all student programming events, took reasonable steps to avoid the appearance of institutional endorsement or support. The University did not promote the event; it did not make any public statements, oral or written, which could be perceived as University support or endorsement of the event, and no University officials appeared at the event with Michael Moore. While a University facility—McMicken Commons, an outdoor venue—was used for the event, the use of such facilities for programming events and speakers sponsored by student groups are permissible. Indeed, McMicken Commons often has been used as a limited forum open to all student groups sponsoring discussions of philosophical, religious, social, and political subjects.

IV. Objective was to Encourage Diverse Opinions not to Influence an Election

While the University does not desire to speak on behalf of its students, there is no indication that the intent or objective of the programming event was to influence an election. As noted by the Program Coordinator for Campus Events and Programming, the objective for Michael Moore’s event was to “promote reasoned discourse” and “to provide avenues for students to obtain the skills needed to function effectively in diverse settings and with individuals from various backgrounds and perspectives.” (Exhibit 4—Response letter to individuals inquiry about Michael Moore’s visit). To that end, the Programs and Activities Council “made every effort to define the boundaries of acceptable speech to Mr. Moore’s management and agent prior to the engagement.” (Exhibit 4). And as reported in at least one news report, contracting with Greater Talent Network offered a unique opportunity for students to “bring a big name filmmaker to campus to discuss relevant issues” at a reduced speaking fee and to “encourage students and faculty . . . to get out and vote.” (Exhibit 5).

25044142974

Federal Election Commission

Re: MUR 5550

Page 4

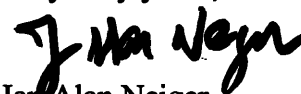
Even if it is determined that Mr. Moore spoke on campus with the "purpose of influencing the election," any payment to Mr. Moore could not be considered a prohibited contribution or expenditure. The student groups did not have the statutorily required intent or purpose when making such payment. That is, the objective of the student programming event was not "for the purpose" of influencing an election for Federal office, but was rather to provide an educational environment that encourages students to debate and take diverse positions on matters of public importance.

V. Conclusion

As explained and established in the attached documents, the University made no contribution or expenditure in connection with any election for Federal office. All lecture fee payments to Mr. Moore were made by student groups. All the University did was provide an outdoor space for the public appearance on the same basis as it provides the space to other speakers who are sponsored by student groups. Indeed, an attempt by the University to influence or curb the political and ideological views of its students by disallowing the event quite possibly would have been met with a constitutional challenge for interfering with the First Amendment rights of students.

Accordingly, because the University of Cincinnati did not violate 2 U.S.C. 441(b), it respectfully request that the FEC dismiss the complaint filed by Mr. Hardy and to take no action against it as it relates to MUR 5550.

Very truly yours,



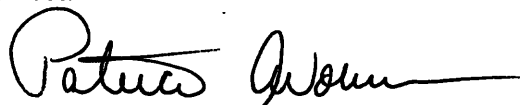
Jan Alan Neiger
Associate General Counsel
University of Cincinnati

Enclosures

cc: President Nancy Zimpher

State of Ohio)
) ss.
County of Hamilton)

Jan Alan Neiger, being first duly sworn, deposes and says:
I have read, indeed written, the above, and it is true and correct.


Jan Alan Neiger

My Commission expires
PATRICE A. WOERNER
Notary Public, State of Ohio
My Commission Expires Aug. 8, 2007

26044142975

Event: Michael Moore, 10/27/04

Financial Sponsors: Programs & Activities Council (PAC), Undergraduate Funding Board (UFB),
Racial Awareness Program (RAPP), Latinos En Accion (LEA)

<u>Campus Group</u>	<u>Amount</u>	<u>Accounting</u>	<u>Vendor/Purpose</u>
UFB	\$2,050.00	NIU #123779	Fund transfer to PAC to support performance fees
RAPP	\$1,000.00	NIU #144641	Fund transfer to PAC to support performance fees
LEA	\$100.00	S00 #398077	Fund transfer to PAC to support performance fees
TOTAL	\$3,150.00		

<u>Campus Group</u>	<u>Amount</u>	<u>Accounting</u>	<u>Vendor/Purpose</u>
PAC	\$8,000.00	PO #PC05L-00867	Greater Talent Network/Performance Fee (Inclusive)
PAC	\$1,725.00	PO #PC05A-01012	Thunderbolt Systems/Production Fee
PAC	\$32.52	P-Card	Rent-A-Center/Furniture rental per contract rider
PAC	\$81.75	P-Card	All American Rental/Furniture rental per contract rider
PAC	\$26.23	P-Card	Pizza Hut/Lunch for load-in help
PAC	\$23.97	P-Card	Gold Star Chili/Lunch for load-in help
PAC	\$46.44	P-Card	Kinko's/Oversized, cardstock copies of promo
PAC	\$15.73	P-Card	Loesch Hardware/Supplies for recording signs
TOTAL	\$9,951.64		

TOTAL PAC Expense \$6,801.64 (\$9,951.64-\$3150.00)

Page 1 of 1 Date: 10/25/04 Action (E) NIU-123779

Transaction Description (12 Characters): Michael Moore 10/27

Name of Department or Account to be Credited: PAC

Account to be Credited

Expense Transfer—	Fund	Area	Orgn	Function	Object	Subobj	Amount
Trans IX	A001	030	3426	4566	3000	01	2050.00
Bill for Services—	Fund	Area	Orgn	Function	Rev Src		Amount
Trans IV							

Approval Signature: [Signature] M.L. 0136 Phone: 556-6415

Name of Department or Account to be Charged: Undergraduate Funding Board

Account(s) to be Charged:

Line	Fund	Area	Orgn	Function	Object	Subobj	BS Acct	Amount
01	A497	030	0131	4510	3000	01		2050.00

Description (25 Char): Michael Moore 10/27

02								
----	--	--	--	--	--	--	--	--

Description (25 Char):

03								
----	--	--	--	--	--	--	--	--

Description (25 Char):

04								
----	--	--	--	--	--	--	--	--

Description (25 Char):

05								
----	--	--	--	--	--	--	--	--

Description (25 Char):

06								
----	--	--	--	--	--	--	--	--

Description (25 Char):

Approval Signature: [Signature] M.L. 0139 Phone: 66107

Transaction Date	Transaction Description	Amount



BILL FOR SERVICES OR EXPENSE TRANSFER

Page 1 of 1

Date Oct 25 04

Action (E)

NIU — 144641

Transaction Description (12 Characters)

cosponsorship

Name of Department or Account to be Credited

PAC

Account to be Credited

Expense Transfer—	Fund	Area	Orgn	Function	Object	Subobj	Amount
Trans IX	A001	030	3426	4566	3000	01	1000.00
Bill for Services—	Fund	Area	Orgn	Function	Rev Src		Amount
Trans IV							

Approval Signature

M.L. 036

Phone

556 6115

Name of Department or Account to be Charged

R.A.P.P.

Account(s) to be Charged

Line	Fund	Area	Orgn	Function	Object	Subobj	BS Acc	Amount
01	A001	030	3413	4550	3000	01		1000.00

Description (25 Char)

02								
----	--	--	--	--	--	--	--	--

Description (25 Char)

03								
----	--	--	--	--	--	--	--	--

Description (25 Char)

04								
----	--	--	--	--	--	--	--	--

Description (25 Char)

05								
----	--	--	--	--	--	--	--	--

Description (25 Char)

06								
----	--	--	--	--	--	--	--	--

Description (25 Char)

--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--

--	--	--	--	--	--	--	--	--

DEPARTMENT MAKING CHARGE

NON-GIFT REMITTANCE

DATE: 11/1/04

TRN C R DOC #

S00398077

DESCRIPTION

NEW FUND?

YES

NO

FINANCE DIVISION VALIDATION

DEPOSITING CASH INTO
THE PROGRAMS & ACTIVITIES
COUNCIL'S (PAC) CUPS
ACCOUNT FROM THE
LATINOS EN ACCION GROUP

CASH - BILLS

\$ 100.00

CASH - COIN

\$

CHECKS

\$

CREDIT CARDS

\$

DIRECT DEPOSIT

\$

TOTAL

\$ 100.00

ACCOUNTING DISTRIBUTION

BANK ACCOUNT

00

REF TRANS CODE (2 CHAR)

00

FUND
(4 CHAR)

AREA
(3 CHAR)

ORGN
(4 CHAR)

FUNCT
(4 CHAR)

REV SRC
(4 CHAR)

OBJT
(4 CHAR)

SOBJ
(2 CHAR)

REPT
CAT

BS ACT
(4 CHAR)

REF NUMBER
(11 CHAR)

REF LINE
(2 CHAR)

P/F
(1 CHAR)

DESCRIPTION
(30 CHAR)

LINE AMOUNT

1. A001 030 3426 4566 0000 3000 01 00 00 00 00 00

MICHAEL MOORE CO SPONSORSHIP

\$ 100.00

2. 0000 0000 0000 0000 0000 0000 00 00 00 00 00 00

\$ 00.00

3. 0000 0000 0000 0000 0000 0000 00 00 00 00 00 00

\$ 00.00

4. 0000 0000 0000 0000 0000 0000 00 00 00 00 00 00

\$ 00.00

5. 0000 0000 0000 0000 0000 0000 00 00 00 00 00 00

\$ 00.00

TOTAL

\$ 100.00

COMPLETED BY

BRAD BALSER

MAIL LOCATION

0136

DEPARTMENT

STUDENT ACTIVITIES & LEADERSHIP
DEVELOPMENT / PAC

PHONE

556-6115

ORIGINATING DEPARTMENT COPY

FORM A-151 Rev. 2/02



PURCHASE ORDER

PO BOX 210089
CINCINNATI OH 45221-0089

DATE: 10/26/04
ORDER NO: PC05L-00857
PAGE NO: 01

PUT THIS ORDER NUMBER ON ALL PAPERS

SHIP PREPAID ONLY

VENDOR	GREATER TALENT NETWORK		
	437 FIFTH AVENUE	NEW YORK	NY 10016

1330929331

RX 3426000047

SHIP TO

1 BYPASS CENTRAL RECEIVING
THIS ORDER EITHER REQUIRES NO
SHIPPING OR HAS SPECIAL
SHIPPING INSTRUCTIONS THAT CAN
BE FOUND IN ITS BODY OF TEXT.

LN NO	QUANTITY ORDERED	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
001	1	EA	MICHAEL MOORE SPEAKING ENGAGEMENT 10/27/04 SPEAKER REQUESTS PAYMENT DAY OF LECTURE THE FOLLOWING ATTACHMENTS ARE INCORPORATED HEREIN AND MADE PART OF THIS ORDER BY REFERENCE: ATTACHMENT 1 - AGREEMENT 3 X 8 PAGES IN THE EVENT OF DISPUTE OR SILENCE INVOLVING THE ABOVE DOCUMENTS, THE PREVAILING ORDER OF PRECEDENCE WILL BE: 1) THE UNIVERSITY OF CINCINNATI'S PURCHASE ORDER TERMS AND CONDITIONS, 2) THE UNIVERSITY OF CINCINNATI'S PRICE INQUIRY 3) THE SUPPLIER'S FORM OF CONTRACT. ***** PREPAID CHECK FOR \$9,000.00 ENCLOSED *****	\$9,000.000	\$9,000.000

PREPAID

PAYABLE INQUIRIES MAY BE MADE TO (513) 556-6772
IMPORTANT: PLEASE MAIL TWO COPIES OF INVOICE STAPLED TO THE
ATTACH-TO INVOICE COPY OF THIS ORDER

MAIL INVOICES TO:
INVOICES, UNIVERSITY OF CINCINNATI
PO BOX 212000
CINCINNATI OH 45221-2000

TERMS	0.0%	1
-------	------	---

FOB DESCRIPTION	FREIGHT NOT APPLICABLE
-----------------	------------------------

DELIVER DATE	10/27/04
--------------	----------

LN	FUND	AREA	ORG	SO	FUNC	OBIT	SO	REPT CAT
01	A001	030	3426		4566	3000	01	

INTERNAL INQUIRIES TO:	MAIL LOC 0136 DIRECTOR STUDENT ORGANIZATIONS & ACT. ROOM 221 TANGEMAN
------------------------	---

EXTERNAL INQUIRIES TO:	PEGGY CHUKWUDOLUE PHONE 513-556-2362
------------------------	---

DEPARTMENT COPY

BUYER SIGNATURE

TOTAL AMOUNT
OF ORDER \$9,000.00

SUBJECT TO TERMS AND CONDITIONS ON REVERSE SIDE



PURCHASE ORDER

PO BOX 210089
CINCINNATI OH 45221-0089

DATE: 10/27/04
ORDER NO: PC05A-01012
PAGE NO: 01

PUT THIS ORDER NUMBER ON ALL PAPERS

SHIP PREPAID ONLY

VENDOR: THUNDERBOLT SYSTEMS
3289 SPRING GROVE AVE
CINCINNATI OH 45225

3115132780

RX 34260000048

SHIP TO: BYPASS CENTRAL RECEIVING
THIS ORDER EITHER REQUIRES NO
SHIPPING OR HAS SPECIAL
SHIPPING INSTRUCTIONS THAT CAN
BE FOUND IN ITS BODY OF TEXT.

LN NO	QUANTITY ORDERED	UNIT	DESCRIPTION	UNIT PRICE	TOTAL
001	1	EA	TO FACILITATE PAYMENT FOR RENTAL OF SOUND EQUIPMENT FOR MICHAEL MOORE SPEECH 10/27/04	1,250.000	1,250.00
002	1	EA	TO FACILITATE PAYMENT FOR RENTAL OF STABBING EQUIPMENT FOR MICHAEL MOORE SPEECH 10/27/04	475.000	475.00
U.C. DEPARTMENT CONTACT: BRAD BALSER 556-6115					

PAYABLE INQUIRIES MAY BE MADE TO (513) 556-6772
IMPORTANT: PLEASE MAIL TWO COPIES OF INVOICE STAPLED TO THE
ATTACH TO INVOICE COPY OF THIS ORDER

TERMS	FOB DESCRIPTION	MAIL INVOICES TO
0.0% 30	FOB DELIVERED	INVOICES, UNIVERSITY OF CINCINNATI PO BOX 212000 CINCINNATI OH 45221-2000
		DELIVER DATE 10/31/04

LN	FUND	AREA	ORG	SO	FUNC	QTY	ISO	REPT CAT
01	A001	030	3426		4566	3000	01	

INTERNAL INQUIRIES TO:
MAIL LOC 0136
DIRECTOR
STUDENT ORGANIZATIONS & ACT
ROOM 221
TANGEMAN

EXTERNAL INQUIRIES TO:
CHERYL SMITH
PHONE 513-556-2366

DEPARTMENT COPY
BUYER SIGNATURE

SUBJECT TO TERMS AND CONDITIONS ON REVERSE SIDE

OCT-26-2004 03:51P FROM: AMERICAN RENTAL 5135216800

563299

P:1/1



ALL AMERICAN EQUIPMENT and PARTY RENTAL CENTER



NEW ADDRESS →

9832 Hamilton Avenue • Cincinnati, Ohio 45231
TEL: (513) 521-6500 • FAX: (513) 521-6800

HOURS:
MON.-SAT. - 7:30 A.M.-5:30 P.M.
SUNDAY ~~Page~~ - CLOSED

RENTED/SOLD TO

5552442 (89) Ord Date 10/25/04
UNIVERSITY OF CINCINNATI - CAMP. SCHE
CAMPUS SCHEDULING - PO BOX 210220
ROOM 285 - TANGEMAN UNIVERSITY
CINCINNATI, OH 45221-0220
513-555-2442 FAX : 513-555-3253
Authorized By
P.O. Box
Dry Lic #

DELIVERY INFORMATION

Delivery Date 10/27/04 02:00 PM
Pick Up Date 10/29/04 08:00 AM
Job Location MCMICKEN COMMONS

CONTRACT INFORMATION

Contr No 74853 Ins No
Date/Time ORDERED 10/27/04 02:00 PM
Date/Time DATED 10/27/04 04:41 PM
Date/Time In
Written By DJS Checked In By

ITEMS RENTED AND/OR SOLD OPEN CONTRACT

Std	Qty	Unit Number	Detail	Price/Rate	Minimum	Daily	Weekly	4 Weeks	Amount
1	R	1 Q-0091	Table-6'x30' Folding	6.75	6.75/8 Hr	6.75	11.50	23.00	6.75
Serial # MAYWOOD & PALMER									
\$5.75 RENTAL COVERS "CURB DROP-OFF" ONLY !! RETURN CLEAN OF STAPLES. TABLE "SET-UP & TAKE-DOWN" IS \$5.50 PER TABLE, EACH WAY !! DELIVERY & PICKUP IS EXTRA.....									
2	R	1 Q-0040-17	Linen - Skirting - 17'x29" - White	17.00	17.00/8 Hr	17.00	50.00	0.00	17.00
USE WITH 16 VELCRO CLIPS--"LOST CLIPS - 50 CENTS EACH"....									
3	R	1 Q-0030-B	Linen - Tablecloth- 60"x103" - White	9.00	9.00/0 Hr	9.00	18.00	0.00	9.00
CUSTOMER IS TOTALLY RESPONSIBLE FOR SOIL/DAMAGE TO CLOTHS !!!									

10/26/04 81.75 C. CARD DJS

*TABLE AND LINEN WILL BE KEPT IN TANGEMAN CENTER STAIRWELL OFF THE STUDY LOUNGE

**PLEASE REVIEW CONTRACT
SIGN CONTRACT & FAX
BACK TO 521-6800**

DAMAGE WAIVER CHARGE (DWC) _____ %
OF RENTAL CHARGE. RENTER MAY, BY INITIALS HEREON, DECLINE BENEFITS OF PARAGRAPH 12, DAMAGE WAIVER, ON REVERSE SIDE OF THIS CONTRACT.

DWC IS NOT INSURANCE.

ACCEPTS
X
INITIALS: _____

DECLINES
X
INITIALS: _____

IT IS HEREBY WARRANTED AND REPRESENTED THAT THE INDIVIDUAL SIGNING THIS AGREEMENT IS AUTHORIZED TO DO SO ON BEHALF OF THE CUSTOMER BE IT A CORPORATION, PARTNERSHIP OR OTHER ENTITY. IT IS FURTHER UNDERSTOOD THAT THE RISK OF LOSS OF THE EQUIPMENT AS WELL AS ANY LIABILITIES WHICH MAY STEEM THEREFROM AS IT MAY PERTAIN TO THE LESSOR OR THE CUSTOMER DURING THE TIME THAT THE CUSTOMER HAS POSSESSION OF THE EQUIPMENT STATED HEREIN. SAID RISK OF LOSS SHALL BE THAT OF THE CUSTOMER.

Rental	31.75
Pickup Charge	25.00
Delivery Charge	25.00
Sub Total	81.75
Total Amount	81.75
Advance Payment	81.75
Balance Due	0.00

Adv. Payment CCB

FINAL AMT. TOTALED ON RETURN

Printed on 10/26/04 04:46:39

I have read and understand the terms and conditions on both sides of this agreement and certify that those printed on the other side are agreed to as if printed above my signature. There are no and/or other representations not included herein. Unless declined, I also agree to the damage waiver charges. I have received a copy of this agreement.

Lessee's Signature: x

Kathleen

RENTAL CONSISTS OF TIME OUT - NOT TIME USED.

IF ITEM IS UNSATISFACTORY FOR ANY REASON CALL OR RETURN AT ONCE

25044142982

ARAPARK EDUCATIONAL SVC
45 W CHALTON ST
CINCINNATI, OH 45221

GOLD STAR UC TANGEMAN
2766 U.C. MAIN STREET
CINCINNATI OH 45221

LOESCH HARDWARE INC
142 MADISON RD
GAILEY OH 45209

TE
ME
UI

S
BI
DI
TERMINAL I.D.: 0016546104/0000000000
MERCHANT #: 4510720024400
VISA CARD 2
111111111111753
SALE
BATCH: 000050 TIME: 000057
DATE: OCT 27 04 AUTH: 043305

Merchant ID: 000000219000 Ref #: 0048
Term ID: 76345870

Sale

XXXXXXXXXX7753

VISA

Entry Method: Swiped

Total: \$ 23.97

10/27/04

13:03:23

Inv #: 000048

Appr Code: 001143

Approved: Online

Batch #: 000149

T
B TOTAL \$26.23

BRAD A BALSER

I AGREE TO PAY ABOVE TOTAL AMOUNT
ACCORDING TO CARD ISSUER AGREEMENT
(MERCHANT AGREEMENT IF CREDIT VOUCHER)

CUSTOMER COPY

10/26/2004 @ 09:13A
MERCH: M1585010001001
ACCT#: A*****7753
INV #: 0115303
TOTAL: 15.73
AUTH: 021220

BRAD A BALSER

NO RETURNS
AFTER 7 DAYS

TOP COPY = MERCHANT
BOTTOM COPY = CUSTOMER
RETAIN FOR YOUR RECORDS

SUPPLIES FOR MICHAEL
MOORE RECORDING STUDIO

Customer Copy

FedEx Kinko's (513) 396-6277
3876 PAXTON AVENUE
CINCINNATI, OH 45209

QTY/LIST	DISC	PRICE	AMOUNT
10	FS. OVRSZ PSTR-ZWR 18X24 COL CRD		
3.95	0.00	3.95	39.50
5	FS. OVRSZ PSTR-ZWR 18X24 WHT BND		
2.95	0.00	2.95	14.75

SUB	43.40	TX	3.04	TOT	46.44
				Visa	46.44
				CHG	0.00

XXXXXXXXXXXX7753 006523

I agree to pay the above amount
according to the card issuer agreement.
Sign Here: X

TOTAL DISCOUNT: \$10.85

CV 21 TR 1109771 RG 5A 10/26/04 08:45
Make it. Print it. Pack it. Ship it.

MICHAEL MOORE OVERSIZ
COPIES - PUBLICITY

RENT-A-CENTER

144 CORY ST
CINCINNATI, OH 45219

DATE: 10/26/04 TIME: 17:48:06
MERCH: 155016683000 STER: 1961 TERM: 0001
S-A-L-E-S D-R-A-F-T

REF: 0197
BATCH: 035
CD TYPE: VI
TR TYPE: PR

TOTAL: \$32.52

ACCT: *****7753 EXP: ***
AP: 005417

NAME: BRAD A BALSER

CARDMEMBER ACKNOWLEDGES RECEIPT OF
GOODS AND/OR SERVICES IN THE AMOUNT OF
THE TOTAL SHOWN HEREON AND AGREES TO
PERFORM THE OBLIGATIONS SET FORTH BY THE
CARDMEMBER'S AGREEMENT WITH THE ISSUER

THANK YOU FOR USING VISA

TOP COPY-MERCHANT BOTTOM COPY-CUSTOMER

FURNITURE RENTAL FOR MICHAEL MOORE
EVENT

26044142983

Internal Revenue Service
Revenue RulingTaxLinks.com sm

Rev. Rul. 72-512

1972-2 C.B. 246

Sec. 501

IRS Headnote

A university is not participating in political campaigns within the meaning of section 501(c)(3) of the Code by providing a political science course that requires the students' participation in political campaigns of candidates of their choice.

Full Text

Rev. Rul. 72-512

Advice has been requested whether, in the circumstances described below, an organization has participated in political campaigns on behalf of candidates for public office within the meaning of section 501(c)(3) of the Internal Revenue Code of 1954.

The organization is a university exempt from Federal income tax as an educational organization described in section 501(c)(3) of the Code. As part of its political science program, it provides a credit course to acquaint students with the basic techniques of effective participation in the electoral system. Any student may register in the course. The student participates in several weeks of classroom work to learn about political campaign methods, then he is excused from classes for two weeks to participate in the political campaign of a candidate of his choice. After the election, the student must show by means of a log that he has spent between 60 and 80 hours on campaign work and must write a paper evaluating his experiences.

The university does not influence the student in his choice of a candidate or control his campaign work. The university is reimbursed or paid for any services or facilities provided to the students for use in connection with the campaigns.

Section 501(c)(3) of the Code provides for the exemption from Federal income tax of organizations that are organized and operated exclusively for educational purposes and that do not participate in any political campaign on behalf of any candidate for public office.

Section 1.501(c)(3)-1(d)(3) of the regulations defines the term "educational" as including the instruction or training of the individual for the purpose of improving or developing his capabilities.

The course described above is exclusively educational in nature since it is provided as part of the university's political science program solely for the purpose of improving or developing the student's knowledge and skills.

The student activities in question represent a bona fide course of conduct in fulfillment of a formal

course of instruction conducted by the university. Where the extent and manner of student participation in the actual political process in such cases is reasonably germane to the course of instruction, the fact that such course is a part of the university's curriculum and that university personnel and facilities are employed in its conduct does not make the university a party to the expression or dissemination of political views of the individual students in the course of their actual campaign activities within the intendment of section 501(c)(3).

Accordingly, it is held that this university is not participating in political campaigns on behalf of candidates for public office within the meaning of section 501(c)(3) of the Code.

25044142985

Cincinnati.Com

ENQUIRER | POST | WCPO | CIN WEEKLY | Classifieds |

WCPO.com
ON YOUR SIDE

J.T.M.

C
3
N
Y

HOME NEWS ENTERTAINMENT SPORTS REDS BENGALS LOCAL GUIDE MULTIMEDIA ARCHIV

News

Tri-state News
Stories

Butler/Warren Co.
News Stories

Nat'l/World Stories
Story Archive

9Links
WCPO Segments

Don't Waste Your \$
I-Team
Healthy Living
9 On Your Kids Side

Traffic
Traffic Cameras
Maps & Directions

9News Tips
9News Bio Pages
E-mail Newsletters
Special Sections

Mike Allen
Matt Maupin
Cinergy Implosion
More

Recipes
WCPO Text Edition

Film Maker Michael Moore At UC Wednesday

Reported by: [9News](#)
Web produced by: [Neil Relyea](#)
Photographed by: [9News](#)
10/27/04 4:45:00 PM

Film maker Michael Moore of "Farenheit 9/11" fame is in town Wednesday.

Moore is speaking at the University of Cincinnati late Wednesday afternoon.

The film maker, whose works also include "Roger & Me" and "Bowling for Columbine," was at the New Friendship Baptist Church in Avondale earlier in the day, where criticized the Bush administration and announced three free showings of "Farenheit 9/11."

The shows will begin Friday night and run through Saturday.

Several student groups reportedly pooled their resources to bring him to the UC campus

AUDIO/VIDEO

 [9News Report 10/27/04](#)
 [9News Interview 9/24/04](#)
We use RealVideo format only.
[Click here](#) for help.

RELATED LINKS

 [Michael Moore Web Site](#)

WCPO.com neither endorses nor guarantees the content or availability of external links.

RELATED PICTURES

[Click for larger images.](#)



Michael Moore to speak at UC
(WCPO/WCPO.com)

 **Coming up on
WCPO-TV**

Watch 9News at 11 for the latest local and national news stories. [Watch video](#)

More Local Headlines

Friday Morning

- [Thieves On Loose After Cars Vandalized Overnight](#)

Thursday Evening

- [One Boy Shot In Chest After Kids Play With Gun](#)
- [After Months Of Searching, Family Finds Closure](#)
- [Another Step Towards Brent Spence Bridge Replacement](#)
- [Survivors Support Network Challenges Archdiocese](#)
- [More Studies Advised Before P&G's Sex Hormone Patch Hits The Market](#)
- [State Senator Asks Gov. Taft To Help End City's Brownouts](#)
- [Kerry Campaign Keeps An Eye On Ohio Elections Cases](#)
- [Judge Rules In Favor Of Developers In Norwood Eminent Domain Case](#)

Advertiser Sp

**The W
Imaging**

Offering Br
Screenings
Women's U
Imaging Se

Now accept
most major
insurance pr

**Call
513-585-2**

**Christ
Health All**

E-mail News



Sign up for our
news e-mail. W
headlines and v
inbox Monday t
WCPO e-mail

WCPO.com A



November 8, 2004

Dear _____:

Thank you for your input regarding the program held at the University of Cincinnati's McMicken Commons featuring Mr. Michael Moore.

The Programs & Activities Council, in conjunction with the Racial Awareness Program; E-SAVE; Skeptics; Latinos En Accion; the GLBTQ Alliance; the Arts and Culture Club; and the NAACP at the University of Cincinnati; with financial support from the Undergraduate Funding Board, presented the Michael Moore event with the objective of promoting reasoned discourse. While staying committed to their recognition of free expressions of ideas, I want to assure you that the PAC made every effort to define the boundaries of acceptable speech to Mr. Moore's management and agent prior to the engagement.

The goal of the Program & Activities Council (PAC) is to coordinate and promote activities that not only enhance leadership, but also endorse high standards of civility. The PAC operates with the intent to provide avenues for students to obtain the skills needed to function effectively in diverse settings and with individuals from various backgrounds and perspectives. The Michael Moore event along with the screenings of the movies "FahrenHYPE 9/11" and "Stolen Honor" just a few days later, are only some of the programs produced by the PAC that demonstrate this commitment.

In the end, I was proud to witness a Cincinnati community that both spoke and listened with great care, and sought understanding at the deepest level.

I appreciate your feedback and hope to gain your support as we plan for the future of student activities at the University of Cincinnati.

Sincerely,

Brad A. Balser
Program Coordinator for Campus Events and Programming
University of Cincinnati

cc: Lucy Croft
Director
Student Activities &
Leadership Development

Frank Bowen
Dean of Students
Division of Student Life

20041142987

The News Record - News
Issue: 10/27/04

Michael Moore to speak today

By Kyle Denlinger

With less than one week until University of Cincinnati students and faculty hit the polls, political heavyweight Michael Moore is speaking at 4:30 p.m. today on McMicken Commons.

Fellow George W. Bush critic, Craig Unger, author of New York Times Bestseller House of Bush, House of Saud, will be speaking at 8:45 p.m. in the Great Hall of Tangeman University Center.

Moore's agent requested that Moore speak on campus for a nominal fee, said David Parish, president of Programs and Activities Council.

"One of PAC's functions is to bring entertainers and events to campus. We knew Moore tends to draw a large crowd, and one area of PAC's function that we felt was left unfulfilled in the past was the presence of lecturers relevant to current issues," said Parish.

"From a programming standpoint, this was an opportunity to bring a big name author and filmmaker to campus to discuss relevant issues at a reduced price," he said.

While Moore, famous for his controversial politically-charged documentaries and books, usually charges about \$50,000 for public speaking events, he is speaking at UC for \$8,000, \$3,000 of which PAC is providing, said organizers.

During his speech, Moore will cover a myriad of topics, said organizers.

"Primarily, Moore will encourage students and faculty, especially young students, to get out and vote, but he will also be expressing his political views," Parish said.

Moore, who has been an ardent critic of President Bush in his film Fahrenheit 9/11, cites Unger as a source several times in the record-breaking film.

Unger will be speaking following a showing of the film Hijacking Catastrophe at 7 p.m. in the Great Hall.

Helping to promote and organize Unger's appearance, Marji Mendelsohn and Pam Kuby could be seen Tuesday giving away popcorn and informational flyers outside of TUC.

"We want to get back to a place in society where we're speaking with each other, provoking healthy debate and not voting based on sound bytes," said Mendelsohn, who described herself simply as "a mother concerned about the future of this country."

Working with the New York-based Imagine Festival and the organization Films To See Before You Vote, Mendelsohn, Kuby and others advocate voter education and voting activism, not a particular political party.

The groups were invited by the UC College Democrats, who are also supporting the groups and their voter education initiatives.

"Now is a time for young people to learn and get involved. The world is messed up and it's time for all of us, especially young students like those here at UC, to get involved to try and fix it," Mendelsohn said. "I cannot raise my kids to the best of my ability and give them a world that's